



"MacKenzie, Amy (Perkins  
Coie)"  
<AMacKenzie@perkinscoie.  
com>

03/14/2006 11:08 AM

To Daniel Duncan/R10/USEPA/US@EPA  
cc "Leber, Bud" <Bud.Leber@kaisertwd.com>  
bcc

Subject PCB Approval Letter for Kaiser Aluminum

Hi Dan,

Thank you for the quick turnaround on the PCB approval letter for Kaiser's DC4 cleanup plan. I noticed one typo that could have ramifications down the road for Kaiser. Provision 1.c states that Kaiser will "comply with the capping requirements of 40 C.F.R. 761.61(a)(9) if PCBs remaining on site are greater than 25 ppm and less than or equal to 50 ppm." I think you meant to say 761.61(a)(7) and "greater than 25 ppm and less than or equal to 100 ppm." See 40 C.F.R. 761.61.(a)(4)(i)(B)(3) ("Bulk PCB remediation wastes may remain at a cleanup site at concentrations greater than 25 ppm and less than or equal to 100 ppm if the site is covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.")

What a maze of rules! If you agree with my conclusion above, could you confirm in writing by either issuing an amended approval letter or summarizing in a separate letter? Please feel free to call or schedule a call with Bud and/or me if you would like to discuss further.

Amy

Amy J. MacKenzie  
Associate  
Perkins Coie LLP  
(907) 263-6947 (Phone)  
(907) 276-3108 (FAX)

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-----Original Message-----

From: Duncan.Daniel@epamail.epa.gov  
[mailto:Duncan.Daniel@epamail.epa.gov]  
Sent: Monday, February 27, 2006 12:49 PM  
To: MacKenzie, Amy (Perkins Coie)  
Cc: Bud.Leber@kaisertwd.com; Schneider, Mark W. (Perkins Coie)  
Subject: Re: PCB Approval Letter

Ms. MacKenzie & Mr. Leber:

Amy & Bud,

Thank you for your comments and assistance. The approval letter is being prepared for management review.

I hope to have this final approval issued by the end of this week.

From the Desk Of:  
Daniel L. Duncan  
Office of Compliance & Enforcement

(206) 553-6693  
(206) 553-1775 (FAX)

"MacKenzie, Amy  
(Perkins Coie)"  
<AMacKenzie@perk  
inscoie.com>

02/24/2006 06:12  
PM

To  
Daniel Duncan/R10/USEPA/US@EPA  
cc  
Bud.Leber@kaisertwd.com,  
"Schneider, Mark W. (Perkins  
Coie)"  
<MWSchneider@perkinscoie.com>  
Subject  
PCB Approval Letter

Dear Mr. Duncan:

Thank you for your time this week discussing the proposed PCB cleanup at the Kaiser Aluminum & Chemical Corporation, Trentwood Works. We have reviewed your approval letter dated February 22, 2006. We have taken your document and provided a redline edit outlining a few additional comments that hopefully will be self-explanatory. I'm attaching this document for your review.

Thanks again for your assistance in this matter. Please do not hesitate to call Bud Leber (509.927.6554) or me if you have questions or would like to discuss.

Amy

<<EPAFeb23PCBApprovalRedline.doc>>

Amy J. MacKenzie  
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[attachment "EPAFeb23PCBApprovalRedline.doc" deleted by Daniel  
Duncan/R10/USEPA/US]

